

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDERICK DILLARD,

Plaintiff,

V.

LAS VEGAS METROPOLITAN POLICE
DEPT., et al.,

Defendants.

Case No.: 2:24-cv-01538-CDS-NJK

ORDER

(Docket No. 1)

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On August 21, 2024, *pro se* plaintiff Ederick Dillard, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. Docket Nos. 1, 1-1. Plaintiff's application to proceed *in forma pauperis* is incomplete because the financial certificate is not on this Court's approved form and Plaintiff failed to submit an inmate trust fund account statement for the previous six-month period with the application.

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The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis.*” LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2);

1 LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the
2 filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

3 Accordingly, for the reasons stated above,

4 IT IS ORDERED that the application to proceed *in forma pauperis*, Docket No. 1, is
5 **DENIED** without prejudice.

6 IT IS FURTHER ORDERED that, no later than **October 25, 2024**, Plaintiff must either
7 pay the full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis*
8 with all three required documents: a completed application with the inmate's two signatures on
9 page 3; a completed financial certificate that is signed both by the inmate and the prison or jail
10 official; and a copy of the inmate's trust fund account statement for the previous six-month period.

11 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
12 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
13 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
14 complete application to proceed *in forma pauperis* or pay the required filing fee.

15 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Ederick Dillard the approved
16 form application to proceed *in forma pauperis* for an inmate and instructions for the same and
17 retain the complaint, Docket No. 1-1, but not file it at this time.

18 IT IS SO ORDERED.

19 DATED: August 26, 2024.

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22 NANCY J. KORPE
23 UNITED STATES MAGISTRATE JUDGE
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